

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13

CHICAGO FINEBLANKING CORPORATION¹

Employer

and

PRODUCTION WORKERS UNION LOCAL 707, AN AFFILIATE OF NATIONAL PRODUCTION
WORKERS UNION

Petitioner

Case 13-RC-20080

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(b) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record² in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.³
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer.
4. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:⁴

All regular full time and regular part time production and maintenance employees employed in the Employers' facility located at 601 Corporate Woods Parkway, Vernon Hills, Illinois, including, press department employees; finishing department employees; tool room employees; quality assurance employees; and material handling department employees (including shipping and receiving, and plant clericals), and team leaders and excluding, office employees; office clerical employees; temporary employees; guards and supervisors as defined in the National Labor Relations Act.

DIRECTION OF ELECTION*

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who

retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by Production Worker's Union Local 707, an Affiliate of National Production Worker's Union.

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of the full names of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359, fn. 17 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision 2 copies of an election eligibility list, containing the full names and addresses of all of the eligible voters, shall be filed by the Employer with the undersigned Regional Director who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in **Suite 800, 200 West Adams Street, Chicago, Illinois 60606** on or before **April 21, 1999**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court Building, 1099-14th Street, N.W., Washington, D.C. 20570**. This request must be received by the Board in Washington by **April 28, 1999**.

DATED April 14, 1999 at Chicago, Illinois.

/s/ Elizabeth Kinney
Regional Director, Region 13

*/ The National Labor Relations Board provides the following rule with respect to the posting of election notices:

(a) Employers shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Director in the mail. In all cases, the notices shall remain posted until the end of the election.

(b) The term "working day" shall mean an entire 24-hour period excluding Saturdays, Sundays, and holidays.

(c) A party shall be estopped from objection to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Director at least 5 working days prior to the commencement of the election that it has not received copies of the election notice.

1/ The names of the parties appear as amended at the hearing.

2/ The arguments advanced by the parties at the hearing and the brief submitted by the Employer have been carefully considered.

3/ The Employer is a corporation engaged in operating a precision metal stamping of low carbon steel metallic components used principally in the automotive industry.

4/ At the hearing the parties were in agreement that an appropriate unit in this matter would include all production employees, machine operators, helpers, finishers, set up operators, maintenance, tool and die workers, and certain team leaders. The parties also agreed to exclude all office, temporary, and executive employees, guards and supervisors. However, the parties disagreed on the inclusion of certain employees. Thus, the Petitioner would exclude, and the Employer would include, all quality assurance employees, three team leaders (Constantino Capaldo, Jorge Carrera, and Efren Reyna), one production clerical working in the material handling department (Jodi Silicani), two shipping and receiving employees (Eloy Sanchez and Gary Bitter), and four specific employees in the tool room (George Holcraft, Carey O'Brochta, Bruce Barron, and Darren Schmitz). The Petitioner contends that the three team leaders it would exclude from the agreed upon unit are supervisors within the meaning of Section 2(11) of the Act, and that the other employees which it seeks to exclude from the unit do not share a community of interests with the employees included in the unit. The Employer, on the other hand, contends that the three team leaders in issue herein are not supervisors within the meaning of the Act and that they, along with the other employees which the Petitioner seeks to exclude, have a community of interest with the employees included in the unit such that they must also be included in the unit.

FACTS

The Employer is a precision metal stamper of low carbon steel metallic parts that are used principally in the automotive industry. Six departments make up the plant, including material handling, a press room, finishing, quality assurance, the tool room, and a maintenance department. The departments depend on one another in the blanking (stamping) of a product. Employees must bring raw material to the side of a press where the operators load it. Material handlers deliver a tool to the press. The quality assurance inspectors inspect the product after it comes out of the press. The finishers then further process the product and remove scrap as necessary. The maintenance department gets involved whenever mechanical problems exist with the press. Once the quality assurance employees complete inspection and authorize the parts, the plant ships the parts out to a customer.

The Employer's president oversees the entire operation. Curtis Krueger serves as the Employer's vice president and general manager. Calvin Poulsen, the plant manager, assists Krueger in overseeing the plant's operations. Under Mr. Poulsen and Mr. Krueger's command are plant superintendents, and a number of departmental managers. The parties have stipulated that certain individuals are all supervisors within the meaning of Section 2(11) of the Act and are, therefore, excluded from the unit; Curtis Krueger, Calvin Poulsen, Ernie Lukacs (plant superintendent), Nick Ruccia (production

supervisor), Andy Giera (salaried group leader), Matt Bushman (salaried group leader), Pedro Gutierrez (finishing supervisor), Walter Jurkovic (quality assurance supervisor), Bob Anderson (tool room supervisor), John Erickson (material handling supervisor), Frank Scalet (maintenance supervisor), and Ray Skowronski (quality assurance supervisor).

All hourly employees at the Employer's plant have similar working conditions. Hourly employees work two shifts: the first shift starts at 5:00 am and ends at 2:30 pm; the second shift begins at 2:30 pm and last until 11:00 pm. When arriving for their shift, hourly employees punch in at one of two time clocks located near entrances at the plant. Hourly employees all have a half hour for lunch which is always taken at 11:00 am for the first shift. They also have two ten minute breaks which first shift employees take at 8:30 am and 2:00 pm. When the hourly employees take their lunch break, they do so in the cafeteria which is next to the plant's front door and to the left. All the hourly employees also wear a uniform which consists of a blue shirt with the employee's name on the pocket. The Employer also provides all hourly employees with a locker for their belongings. The Employer pays the first shift of hourly employees on Fridays and the second shift on Thursdays, and their payroll is processed the same way. The Employer provides benefits for all employees, hourly or salaried, including health insurance, short term disability, life insurance, a 401(k) plan, vacation periods and holidays. All the company rules, which were distributed to all plant employees when they began working, apply in the same manner to hourly employees.

It is not uncommon for employees to transfer from one department to another because of the integrated nature of the Employer's work. Typically, new employees start in the finishing department because that department requires the least skills. From the finishing department, employees can typically transfer into either the press room or material handling department. Once in those areas, employees can transfer into the maintenance, the tool room, or quality inspection departments.

Quality Assurance Department: The quality assurance department employees, also known as the inspectors, inspect the product made at the plant and assure that it is blanked (stamped) to the customer's specifications. Seven inspectors make up the quality assurance department. In the course of performing their inspection duties, the Quality Assurance Department employees interact with employees in the other departments throughout the production process. After material handlers set up a tool in the press department, and a first part is made, the inspectors must complete a first article inspection report. If a part that comes off a press does not meet the dimensional characteristics specified by a customer, maintenance department employees get involved in shutting the press down and pulling the tool to be repaired. If a first article is approved by an inspector, the press room employees will blank (stamp) the production quantities. The quality assurance inspectors monitor the performance of the press and the parts throughout the production process to make sure that customer specifications are adhered to. The inspectors can shut the presses down if a product's dimensions are not correct, however, it appears from the record that other employees have the authority to shut the presses down as well. Inspectors do not have to confer with any supervisors when they

shut down a press. When the parts leave the press, the finishing department processes them for added value operations. Again, quality assurance inspectors inspect parts after the finishing operations have been performed. After inspection the parts are given to the material handling group for handling and shipment to a customer or to an outside supplier for additional value added operations. In performing their inspection duties, the inspectors do not have the right to discipline other employees or to tell them to rework a product

The inspectors are paid within the same range of pay as other employees undisputedly included in the unit and they share most of the same terms and conditions of employment with employees included in the unit. However, unlike most, but not all, of the employees included in the unit they do not have lockers and they do not wear uniforms.

Shipping and Receiving Employees: The Petitioner seeks to exclude two employees named Eloy Sanchez and Gary Bitter who primarily perform shipping and receiving duties from the appropriate unit. They are part of the material handling department, whose other employees the parties agree are included in the appropriate unit.

Generally, the material handling department is responsible for the deliver raw material to the presses, tools to and from the press, the removal scrap, and movement of products throughout the facility.. The shipping and receiving duties are largely interchangeable among material handling employees. and constitute either the initial stage of obtaining materials or the final stage of the movement of products out of the plant. Mr. Sanchez's duties include driving a truck to an outside warehouse and picking up raw material to bring to the plant whenever such metal is needed by the production workers. The rest of the time (around 70%), Mr. Sanchez performs manual labor in the plant. Mr. Bitter, the material expeditor, works around twenty percent of his time in an office he shares with the production clerical, Jodi Silicani and John Erickson, the material handling supervisor, and the other eighty percent on the floor of the plant with the other employees. While in his office, Mr. Bitter makes a daily production report and telephones suppliers for pick up. He has a computer and a telephone in his office. The rest of the time, he works in the factory with the material handlers in press and finishing departments. Both Mr. Sanchez and Mr. Bitter wear the standard blue work shirts with name tags and receive hourly pay. Sanchez and Bitter both punch in at a time clock at the beginning and end of their shifts.

The Tool Room: Employees in the tool room design and build tools for the press department. The Petitioner seeks to exclude two tool designers named George Holcraft and Carey O'Brochta, and two computer numerical control employees (CNCs) named Bruce Barron and Darren Schmitz from the unit. The tool designers conceive of tool designs. They take a customer drawing, design the tool, and monitor its building and press room function. The record does not describe the job functions performed by the CNCs. The tool designers know how to build tools as well; both are journeyman tool makers and learned how to design tools on a computer system. Holcraft and O'Brochta both have a computer work station in the tool room where they design tools. No one in the tool room wear uniforms. Holcraft and O'Brochta work in the tool room with the tool

builders occasionally. O'Brochta, Barron, and Schmitz are all salaried but they are paid for overtime. The salaried tool room employees work from 8:00 am to 5:00 pm and get an hour for lunch which they can take at any time. They also get the standard ten minute breaks which they generally take at the same time as the other employees. The salaried tool room employees do not have lockers.

Team Leaders: The Petitioner seeks to exclude three team leaders, Constantino Capaldo, Jorge Carrera, Efren Reyna, from the unit. Team leaders help to follow through on instructions given to a particular shift. The Employer pays the team leaders on an hourly basis and they have the same pay period as other employees. Plant superintendents and department managers supervise team leaders just like hourly employees. Team leaders have the same benefits, hours, and duties as hourly employees in their respective departments. Team leaders do not have the authority to hire, fire, suspend, promote, discipline, transfer, or recommend action on a particular employee. Team leaders also wear the same work clothes as other employees, have lockers, and punch a time clock. They take their lunch breaks at 11:00 and have a half hour for lunch. The team leaders do not attend any supervisor meetings.

Constantino Capaldo works as the second shift team leader for the press room. Constantino reports to Ernie Lukacs, the second shift plant superintendent, and Lukacs answers to the production manager, Nicola Ruccia. As a team leader, Capaldo follows through on instructions from management usually in the form of instructions and a routing sheet from the first shift supervisory staff of Andy Giera, Matt Bushman, and Nicola Ruccia. Usually, Mr. Capaldo operates presses like other employees in his department. When he is not operating presses, Capaldo is involved in setup and troubleshooting. Specifically, Capaldo helps operators who find cambered raw material, whose stock won't go through the stock guides, and where the press is not delivering the right pressures. Capaldo performs these troubleshooting duties because he is currently the most experienced operator at the Employer's plant. Other than his troubleshooting duties, Capaldo works as a regular operator. He has the same health, life insurance, dental, and 401(k) plans. The Employer pays Mr. Capaldo on an hourly basis with the same short-term disability benefits, wage scale, holidays, and vacation time as other plant employees. Capaldo uses the same time clock, time card, uniform, and bathroom as the other employees. He does not have the authority to transfer, hire, suspend, promote, discipline, or recommend these actions on other employees. Capaldo also has no special experience or education, and he does not attend supervisory meetings.

Efren Reyna works as the second shift team leader in the finishing department. The Employer pays Reyna by the hour, and Reyna has the same pay period and wage scale as other employees. He operates machinery during his shift. At other times, Reyna helps finishing workers who pack parts or sort parts to determine whether a product is acceptable for shipment. Like Constantino Capaldo, Efren reports to Ernie Lukacs who reports to Nick Ruccia. Reyna receives the same health, life, dental, 401(k), short-term disability, vacation, and holiday benefits as the rest of the plant. He also has the same hours, uniform, lunch and break periods as everyone else. Also like Capaldo, Reyna does

not have the authority to hire, fire, promote, transfer, discipline, or recommend any of these actions.

The Employer assigned Jorge Carrera to work as the first shift team leader for the finishing department. Like the previously mentioned team leaders, Carrera gets paid by the hour, and has the same pay period and wage scale as others in his shift and department. Carrera reports to Pedro Gutierrez who also reports to Nick Ruccia. Like the other team leaders, Carrera has the same health, life, dental, 401(k), short-term disability, vacation, and holiday benefits as the rest of the plant. He also has the same hours of work, uniform, lunch and break periods as everyone else in his department. Carrera operates machinery in the finishing department. When he is not working machinery, like Reyna, Carrera helps finishing workers who pack or sort parts for shipment. The Employer has not given Carrera the authority to hire, fire, promote, transfer, discipline, or recommend any of these actions.

The Production Clerical: Jodi Silicani works as a production clerical in her own office located in the material handling area of the plant. Her duties include generating work orders for the press room and packing slips for the finishing and material handling groups. She also coordinates the paperwork necessary for the flow of product into and from external suppliers, heat treaters, platers and others who add value to the plant's product from the outside. She also fills out forms necessary for the maintenance of inventories and the ordering of supplies and she regularly delivers routing slips on the floor. She is in regular contact with material handling and other employees. Her office contains a computer, a desk, and a telephone. The Employer pays Ms. Silicani on a salary basis but she also gets paid for overtime. She has one full hour for lunch, and she can take her lunch break at any time during her shift. Ms. Silicani works from 7:00 am to 4:00 pm. She does not have a locker and does not wear a uniform.

ANALYSIS

Under Section 9(b) of the Act, the Board has the power to “decide in each case whether, in order to assure employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof. . . .” “The selection of an appropriate bargaining unit lies largely within the discretion of the Board whose decision, if not final, is rarely to be disturbed.” *South Prairie Construction v. Operating Engineers Local 627*, 425 U.S. 800, 805 (1976). The National Labor Relations Act allows a union to petition for an appropriate unit. *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenix Resort Corp.*, 308 NLRB 826 (1992). However, this does not necessarily mean that the unit will be the most appropriate or that there might not be others more appropriate. *Phoenix, supra* at 827.

The key question regarding unit appropriateness is whether the employees share a sufficient community of interest. *Washington Palm, Inc.*, 314 NLRB 1122, 1127 (1994). In *Alois Box Co., Inc.*, 326 NLRB No. 110 (1998)(citing *Kalamazoo Paper Box Corp.*, 136 NLRB 134 (1962)), the Board enumerated several factors to be considered in determining whether individuals have a community of interest apart from other

employees such that they would not belong in the same unit; included were: a difference in method of wages or compensation; the degree of dissimilar qualifications, training and skills; differences in job functions and amount of working time spent away from the employment or plant situs; the infrequency or lack of contact with other employees; lack of integration with the work functions of other employees or interchange with them; and the history of bargaining.

The evidence presented at the hearing did not persuade me that the quality assurance department has a different community of interest than the rest of the plant employees. As set forth above, the quality inspectors have the same half-hour lunch which they take at the same time as all the other plant employees. The Employer pays the inspectors on an hourly basis with a similar pay scale as other employees. They have the same hours, benefits, and supervision as other plant employees. The work of the inspectors is crucial to the production process. Without the work provided by the quality assurance department, customers may not receive parts made to the specifications which they ordered. Unlike other plant employees, the inspectors do not wear uniforms and do not have lockers. However, these differences alone are not enough to warrant their exclusion from the unit. See, e.g., *W.R. Grace & Co.*, 202 NLRB 788 (1973) and *Blue Grass Industries, Inc.*, 287 NLRB 274, 299 (1987). Accordingly, the quality assurance employees shall be included in the unit.

Likewise, the shipping and receiving employees, Eloy Sanchez and Gary Bitter share a community of interest with the unit. The only duties that Mr. Sanchez has that are different than the rest of the employees in the plant is that occasionally he drives a truck to a warehouse to pick up raw materials. Nothing else places Mr. Sanchez's community of interest in question. I do not believe this additional duty is enough to exclude him from the unit. From the record, Mr. Bitter spends about twenty percent of his time in his office and the rest of his time outside on the floor with other plant employees. One might argue that Mr. Bitter's duties creating production reports and telephoning suppliers make him a plant clerical. Some of the duties that plant clericals typically perform include timecard collection, transcription of sales order to forms to facilitate production, maintenance of inventories, and ordering supplies. See *Hamilton Halter Co.*, 270 NLRB 331 (1984). However, even *assuming arguendo* that Mr. Bitter's duties make him a plant clerical, the Board customarily include plant clericals in production and maintenance bargaining units because they generally share a community of interest with the employees in the unit. *Id.* Like Mr. Sanchez, I believe that Mr. Bitter also shares a community of interest with the other plant employees. He has the same hours of work, method of wages, overtime pay, benefits, lunch and break periods, job functions, amount of contact with other employees, and integration of work functions as other plant employees. Therefore, I shall include Mr. Bitter and Mr. Sanchez in the unit.

The tool designers, Carey O'Brochta and George Holcraft, also share a community of interest with the rest of the proposed unit. The Petitioner does not dispute that the rest of the tool builders should be included in the unit. According to testimony, the only training that set these employees apart from the rest of the tool room is that fact that both Holcraft and O'Brochta have learned how to operate a computer system to

design tools. Like the other tool room workers, Holcraft and O'Brochta do not wear uniforms. The Employer pays O'Brochta a salary and Holcraft on an hourly basis. However, the Employer pays both of these employees extra for any overtime they accrue. The Employer also provides O'Brochta and Holcraft with the same benefits as other employees in the plant. They have the same supervision as everyone else in the tool room. The amount of contact that O'Brochta and Holcraft have with other employees in the tool room is limited. However, the work they produce is critical to the production process. Without tool designers, the builders could not make tools and the production workers could not create the parts that customers want. Thus, the work of the tool designers is highly integrated with that of the rest of the plant. Accordingly, I shall include Mr. O'Brochta and Mr. Holcraft in the unit.

The record also demonstrates that the computer numerical control employees (CNCs) share a community of interest with the rest of the proposed unit. From the record, I can not reasonably determine the qualifications and training of the CNC employees. The record shows that the CNCs receive a salary, have no lockers, and get an entire hour for lunch. While these factors weigh in favor of exclusion, they are not dispositive. Like the tool room employees, the CNCs answer to the same supervisors. They do not wear uniforms just like everyone else in the tool room. They receive the same benefits as everyone in the plant. They also have the same payroll period and overtime pay. Also like other plant employees, the CNCs work is integrated into the whole process of creating product for customers and they have no bargaining history. Accordingly, I shall include the CNC employees in the unit.

The Petitioner also wishes to exclude specific team leaders from the unit. It alleges that these individuals exercise authority that would normally come from a supervisor. Section 2(11) of the Act defines a supervisor as:

any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employee, or responsibly direct them, or to adjust their grievances, or to effectively recommend such action . . .

The Petitioner contends that Constantino Capaldo, Jorge Carrera, and Efren Reyna are statutory supervisors and should be excluded from the unit. It is well established that, "[t]he burden of proving supervisory status is on the party who alleges that it exists." *Chevron Shipping Co.*, 317 NLRB 379, 381 (1995). See also *Bennett Industries, Inc.*, 313 NLRB 1363, 1366 (1994); *Clark Machine Corp.*, 308 NLRB 555, 557 (1992). The Board has established that the possession of any one of the indicia specified in Section 2(11) of the Act is sufficient to confer supervisory status on the employee, provided that authority is exercised with independent judgment on behalf of management and not in a routine manner. Thus, the exercise of some "supervisory authority" in a merely routine, clerical, perfunctory, or sporadic manner does not confer supervisory status on an employee. *Clark, supra*. Based on the record, I find that the Petitioner has failed to carry its burden of demonstrating that the above-mentioned team leaders have exercised independent judgment on behalf of the Employer.

Evidence elicited at the hearing shows that the team leaders serve merely as a conduit for information from management to the plant employees. Various witnesses testified that routing sheets serve to inform employees of work that will be performed. Usually, the various department supervisors distribute the routing sheets to the team leaders. The supervisors also give specific instructions to the team leaders on how to carry out the work assignments. Thus, the team leaders appear to exercise no independent judgment in distributing the work and any such exercise of authority is in a purely routine manner. The record shows that the team leaders in question may exercise some judgment in assigning jobs based on an employee's availability and ability. However, the jobs are routine. Testimony established that team leaders often had substantially more experience than regular plant employees. The assignments that they make do not involve the type of independent judgment required of a supervisor. *See Clark, supra* at 557. Further, team leaders do not have the authority to hire, fire, suspend, promote, discipline, transfer, or recommend action to supervisors on employees.

Moreover, the team leaders in issue share a community of interest with the rest of the plant employees. As reflected in the record, the team leaders report to the same supervisors as departmental employees. The Employer pays the team leaders on an hourly basis. The team leaders receive the same benefits, have the same hours, uniforms, lunch periods, break times, lockers, and punch a time clock just the same as all other plant employees. Like production workers, team leaders do not attend management meetings. The work of the team leaders is also highly integrated into the process of creating the Employer's product. Accordingly, I shall include team leaders, Constantino Capaldo, Jorge Carrera and Efren Reyna in the unit. *See also, Masterform Tool Company*, 327 NLRB No. 185 (1999).

The Petitioner also seeks to exclude clerical employee, Jodi Silicani, from the unit. Although not specifically set forth by the Petitioner, it appears to argue that Ms. Silicani's duties are more akin to those of office clericals whom both the Petitioner and Employer have agreed not to include in the unit. "The Board has generally excluded office clericals from a production and maintenance unit." *Syracuse University*, 325 NLRB No. 15, slip op. at 7 (1997) (citing *Hygeia Coca-Cola Bottling Co.*, 192 NLRB 1127, 1129 (1971)). However, as set forth above, the Board customarily includes plant clericals in a production and maintenance bargaining unit because they generally share a community of interest with the employees in the unit. *Id.* The Board has frequently noted that "the distinction drawn between office and plant clericals is not always clear." *Id.* Usually, the test consists of whether a clericals duties relate more to the production or service process or to general office operations. Plant clericals typically perform duties such as timecard collection, transcription of sales orders to forms to facilitate production, maintenance of inventories, ordering supplies, and generally preparing forms relating to the production of an Employer's product. *Id.* *See also Broyhill and Associates, Inc.*, 298 NLRB 707, 712 (1990). They also typically work in the production area of an Employer's facility, far away from the office clericals. On the other hand, typical office clerical duties include billing, payroll phone and mail. Office clericals usually work in their own department separate from the production area. Although Ms. Silicani's

situation is not entirely clear, on balance, the record supports her inclusion in the unit as a plant clerical.

Ms. Silicani works inside her own office located in the material handling area of the plant. She receives a salary and her hours are different than the rest of the plant employees. She also has a different lunch hour and no locker or uniform. However, Ms. Silicani's duties are clearly integral to the production of the Employer's product. Ms. Silicani produces paperwork necessary for the proper functioning of production. She also fills out forms necessary for the maintenance of inventories and the ordering of supplies and she regularly delivers routing slips on the floor. She is in regular contact with material handling and other employees. Silicani's duties are clearly closer to those of a plant clerical than an office clerical.. Under these circumstances, I shall include her in the unit.

In view of the foregoing, particularly since the employees which the Petitioner wishes to exclude share a community of interest with the agreed upon unit employees, I shall direct an election in the broader unit than the petitioned for unit. See, e.g., *Moore Business Forms, Inc.*, 204 NLRB 552 (1973).ⁱ

Accordingly, I shall direct an election in the following unit:

All regular full time and regular part time production and maintenance employees employed in the Employers' facility located at 601 Corporate Woods Parkway, Vernon Hills, Illinois, including: press department employees; finishing department employees; tool room employees; quality assurance employees; and material handling department employees (including shipping and receiving, and plant clericals), and team leaders, excluding: office employees; office

ⁱ Although the unit found appropriate is broader than that sought by the Petitioner, I shall direct an election because the Petitioner has a showing of interest in the broader unit sufficient to warrant an election. *N. Summergrade & Sons*, 121 NLRB 667, 670-71 (1958). As I have directed an election in a unit larger than that sought by the Petitioner, the Petitioner is permitted to withdraw its petition without prejudice upon written notice to me within 10 days from the date of this decision or, if applicable, from the date the Board denies any request for review of the unit findings in this decision. *Independent Linen Service Company of Mississippi*, 122 NLRB 1002, 1005 (1959).

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clerical employees; temporary employees; guards and supervisors as defined in the National Labor Relations Act.

There are approximately 90 employees in the unit found appropriate.

177-8560-1000; 177-8460-1500; 177-8580-3900; 440-1760-1580; 440-1760-2460; 420-2900; 420-4083; 420-4617.

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CHIPS Form 110
revised 7/31/85

Routing: Bd. Agent (drafter)
ARD (Reviewing sup.)
ARD Secretary
CHIPS
ARD Secy. (DW file)

110 = REGIONAL DIRECTOR'S DECISION AND DIRECTION OF ELECTION
(Includes 8(b)(7)(C) cases and Decision granting AC, UC, or UD)

Case Number 13-RC-20080

Employer's Name Chicago Fineblanking Corporation

Date of Decision

Was issuance of decision delayed by concurrent C case? ☐ Yes ☒ No

If yes, enter Case Number 13-

Hearing closed date March 24, 1999

Industry precision metal stamping of low carbon steel metallic components principally for the automotive industry

Unit description code:

- ☐ A = overall industrial plus any other classification
- ☐ C = craft, one or more
- ☐ D = departmental, one or more
- ☐ G = guards
- ☐ W = office, clerical, sales & other white collar workers
- ☐ P = professional and/or technical employees
- ☐ R = combination of W & P
- ☐ T = Teamsters (only when petitioner is Teamsters)
- ☐ Z = residual

Special type of election?

- ☐ 1 = Sonotone ☐ 2 = Globe ☐ 3 = Sonotone & Globe ☐ 4 = craft severance
- ☐ 5 = sever department ☐ 6 = sever other ☐ 7 = ZIA ☐ 8 = other

Drafted by Hitterman

Reviewing Supervisor Eggertsen

Number of employees in unit

Date case assigned March 31, 1999

Date request for review due

Date last brief timely received April 6, 1999

REQUIRED ATTACHMENTS: None entered in CHIPS computer by: _____
(operator's initials)

¹ The names of the parties appear as amended at the hearing.

² The arguments of the parties advanced at the hearing and in the Employer's brief have been carefully considered.

³ The Employer is a corporation engaged in the precision metal stamping of low carbon steel metallic components used primarily in the automotive industry.

⁴ The Petitioner seeks to represent a unit of all production, machine operators, helpers, finishers, set up operators, tool and die workers, and maintenance employees, but excluding quality inspectors, four tool room employees, two shipping and receiving employees, three team leaders and one clerical employee.